

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

FIRST APPEAL No 2867 of 2000

to

FIRST APPEAL No 2876 of 2000

For Approval and Signature:

Hon'ble MR.JUSTICE Y.B.BHATT

and

Hon'ble MR.JUSTICE M.C.PATEL

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : YES
2. To be referred to the Reporter or not? : NO
3. Whether Their Lordships wish to see the fair copy of the judgement? : NO
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO
5. Whether it is to be circulated to the Civil Judge? : NO

ONGC LTD.

Versus

UMARJI HAJI ADAM THRO' POA HOLDER HAJI MUSABHAI

Appearance:

M/S TRIVEDI & GUPTA for Appellant

MR JAYESH M PATEL & MR AB MUNSHI for MR AJ PATEL for
Respondent No. 1

MR ND GOHIL, AGP for Respondent No. 2

CORAM : MR.JUSTICE Y.B.BHATT

and

Date of decision: 23/11/2000

ORAL JUDGEMENT

(Per : MR.JUSTICE Y.B.BHATT)

1. These are appeals under Section 54 of the Land Acquisition Act read with Section 96 of the Civil Procedure Code at the instance of the Oil and Natural Gas Corporation Limited, the acquiring body. The appellant herein challenges the common judgment and awards passed by the Reference Court under Section 18 of the said Act.

2. The lands in question in the present group of Appeals were acquired by the acquiring body for the purpose of Central Processing Facility - Gandhar and the relevant Notification under Section 4 was issued on 30th October, 1992. The lands acquired are from the village Chanchvel.

3. As a result of the hearing and discussion, we find that this very Bench has decided First Appeal No.5328 of 1999 (and the Group) by its judgment and order dated 21st November, 2000, wherein the lands acquired were for the very same purpose and from the very same village namely, Chanchvel. The time difference between the relevant Notification under Section 4 is insignificant.

4. In the premises aforesaid, the learned counsel for the appellant is unable to point out any special factors as to why the market value determined under the impugned judgment and awards requires to be reduced any further, in relation to the market value determined by us in the aforesaid group of Appeals.

4.1 In the aforesaid group of Appeals, we had confirmed the judgment and awards of the Reference Court determining the market value at Rs.25/- per square metre. Even in the instant case, the Reference Court has determined the market value of the acquired lands at the same figure namely, Rs.25/- per square metre.

5. In the premises aforesaid, we are satisfied that no deviation from this figure is justified.

6. The learned counsel for the appellant is unable to point out any special facts, on the basis of which any further reduction would be justified.

7. in the premises aforesaid, for the reasons stated in the aforesaid decision, the market value determined by the Reference Court in the instant group of Appeals stands confirmed as also the impugned judgment and awards. There is, therefore, no substance in the present group of Appeals and the same are accordingly dismissed with no order as to costs.

hki